

Order

Michigan Supreme Court
Lansing, Michigan

November 2, 2005

Clifford W. Taylor,
Chief Justice

128373

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

S & M MACHINERY, INC.
Plaintiff-Appellant,

v

SC: 128373
COA: 258309
Oakland CC: 2002-007894-AV
52-4 DC: 02-C01828-GC

PARAVIS INDUSTRIES, INC.,
Defendant-Appellee.

On order of the Court, the application for leave to appeal the February 22, 2005 order of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals for consideration as on leave granted. We DIRECT that court to consider both the procedural and substantive aspects of the case.

We do not retain jurisdiction.



s1026

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

November 2, 2005

Corbin R. Davis

Clerk